

EXHIBIT E

LAW OFFICE OF FEYI GAJI
36 OAK STREET
BINGHAMTON, NEW YORK 13905

TEL: (607) 772-0803
FAX: (607) 723-4059

e-mail: feyigaji@aol.com

December 3, 2010

Sarah F. Henry, Esq.
Federal Express Corporation
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125

RE: Verrocchio v. Federal Express Corporation
Case No.:3:09-cv-01376-TJM-DEP

Dear Sarah:

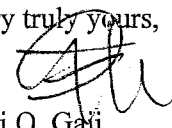
Further to the telephone conference with Magistrate Peebles yesterday, enclosed please find:

1. Copies of my correspondence to the treating physicians along with the four job descriptions, and their responses;
2. Mr. Verrocchio's 2006 W-2 form from Federal Express. The income projection is based upon Mr. Verrocchio's income in 2006;
3. List of cases in which our expert has testified over the last four years;
4. DOT #292.353-010 refers to the duties performed by a "route delivery driver". Please note that this was stated on page 11 of our expert's report dated August 30, 2010.

With the above information and the enclosures, we have now provided you all the documents we sent to our expert.

Our expert has advised that because of his very busy schedule he is available only on December 17, 2010 at noon. It is my understanding that the deposition will be approximately 3-4 hours in length. He has also indicated that this date will be confirmed only after payment has been received.

Very truly yours,


Feyi O. Gaji

FOG/mm

cc: Patrick J. Kilker, Esq.
Gabrielle Verrocchio

LAW OFFICE OF FEYI GAJI
36 OAK STREET
BINGHAMTON, NEW YORK 13905

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October 27, 2010

Dr. Mathew Bennett
Tier Orthopedic Associates, P.C.
100 Plaza Drive
Vestal, New York 13850

RE: Gabriele Verrocchio v. Federal Express Corporation

Dear Dr. Bennett:

As you know, this office represents Gabriele Verrocchio.

As previously discussed, I would like your opinion on the suitability of any of the enclosed jobs for Gabe Verrocchio if Federal Express had allowed him sufficient time to recuperate with reasonable accommodation given the nature of his injuries. We need to convey your opinion to FedEx within the next couple of weeks.

Thank you for your cooperation and assistance.

Please contact me if you have any questions.

Very truly yours,



Feyi O. Gaji

FG/mm
Enclosures

Mgr, Owner Operator Recruiting

Overview:

Manages, directs, and sets department goals to meet recruitment, retention, and forecast needs. Manages the individual performance of professional recruiting staff to regulate the flow of new trucks and increase Independent Contractor (driver) retention. Designs and implements market recruitment standards, guidelines, and strategies to meet specific segment requirements and improve FedEx Custom Critical's competitive position in the expedited industry.

Position Information:

The successful candidate in this role will:

- Lead a department of professional recruiting team members. Oversees the development and performance management of this staff, assessing strengths and opportunities. Creates action plans to assist in meeting the individual career development goals.

- Manage and create a department budget

- Design and implement market recruitment strategies using traditional marketing plan design and rollout practices. Allocate advertising dollars and negotiate charges. Determine the appropriate truck shows to attend and exhibit.

- Accountable for proper fleet size; ensure contractors meet department of transportation and safety guidelines for trucks, owner operators, and their drivers.

- Responsible for managing driver / contractor bonus and referral programs

- Gather and disseminate competitive intelligence.

Qualifications:

Requirements:

- Requires 5 years of experience in transportation, preferably in the driver recruiting and / or sales function .

- Requires 5 years of experience in effective leadership and management

In addition, our preferred candidates will have:

- Proven history of meeting and exceeding specific, measurable objectives

- Demonstrated ability to hold self and other accountable

- Strong ability to proactively collaborate and network with others, both internally and externally

- Strong ability to effectively manage several detailed processes

- Working knowledge of microsoft office, and ability to learn and leverage additional technologies

Supplemental Field Office

Overview:

This is a part-time position. Handle needs of customers, process documentation that accompanies the movement of freight and perform other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into current system(s)
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Track status of shipments as requested
- Verify and complete required documentation and reports
- Perform administrative functions, including, but not limited to filing, answering phones, imaging
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- May reconcile cash and checks collected and prepare deposits
- May perform overage, shortage and damage (OS&D) functions
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

Qualifications:

QUALIFICATIONS:

- High school diploma or equivalent
- Must be at least 18 years of age
- Able to count and perform basic math, with or without a calculator
- Basic written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Basic e-mail use and Microsoft Word and Excel skills preferred
- Demonstrated time management, organizational and multi-tasking skills
- Able to multi-task
- Able to follow instructions and complete required training
- Able to work alone or as a team member

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; dead-line oriented
- Some overtime/weekend work may be required; some shifts require evening/nighttime hours

Job ID: 31025

Job Title: Supplemental Field Office

Customer Service Representative

Description

Provide and ensure a high level of customer service by developing and maintaining a strong relationship with customers' front line personnel in the various operating divisions and subsidiaries.

Prepare, analyze, and/or submit documentation to the appropriate parties (U.S. Customs and Border Protection (CBP) agents, clients) in order to ensure they are in accordance with all applicable laws and regulations relating to CBP and transportation.

Anticipate, identify, and resolve problems which could delay the timely release or movement of freight.

Maintain relationships with correspondent brokers, Transport & Brokerage, and other service providers to ensure that agents exceed the customers' service requirements.

Resolve banking and letter of credit problems. Advise customers on payment terms.

Resolve billing issues and ensure that invoicing and vendor payments are billed accurately.

Complete accurate data input or corrections into computer files.

Obtain payment on delinquent accounts and/or complete accounting adjustment forms for review.

For Transportation Customer Service Representatives: develop rates and/or provide quotes for the movement of freight. Research and negotiate carrier rates.

Resolve billing issues, coordinate post entry activity on customer's behalf.

Air Transportation: incumbent may be required to physically lift or transport freight.

Customs House Broker (CHB): Incumbent may be required to be available for off-site and overtime cargo clearing on an as-needed basis.

Ocean Transportation: when requested, will accompany managers/supervisors on customer calls.

The incumbent(s) of this position is expected to perform all other related duties as assigned.

High School diploma/equivalent. Proficient computer skills. Strong customer service, organizational and communication (written/oral) skills. Strong knowledge of U.S. Customs and Border Protection (CBP) regulations and other federal regulations and requirements with respect to specific area of expertise (CHB, Air Transportation, Ocean Transportation, Surface Transportation). CHB: proficient in H.T.S. Classification and familiarity with the Harmonized Tariff System. Air Transportation: Department of Commerce and Treasury regulations such as export licensing and schedule B Tariff Classifications. Banking requirements for International Trade. Regulations regarding dangerous goods shipping and foreign regulations. Ocean Transportation: BSA - ICC 400/500/322. Hazardous materials, Shipping Act of 1984, plant quarantine, USDA regulations, SGs and other independent surveyor and tariff requirements. Surface Transportation: regulations for import/export; DOT. Basic math skills for conversions to metric and currency evaluations. One and a half (1-1/2) years of work/field experience preferred.

Job ID: 834310_07072010_PD

Billing Clerk - Part Time

Overview:

This is a part-time position.

Responsible for processing the documentation that accompanies the movement of freight, including entering freight shipment information into computer system to generate freight bill and performing other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into computer system
- Verify and complete required documentation and reports.
- Perform administrative functions including but not limited to typing, filing, answering phones, faxing, etc.
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs and/or status and respond to billing questions
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- Reconcile cash and checks collected and prepare deposits, as required
- Administer freight pick-up process, as required
- Perform overage, shortage and damage (OS&D) functions, as required
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; deadline oriented
- Hours may vary due to operational need

Qualifications:

- Proficient Typing and Data Entry (10-key) skills
- Ability to count and perform basic math, with or without a calculator
- Above-average written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Experience and ability to use Microsoft Office Software, including but not limited to; Word, Excel, and Outlook, preferred
- Demonstrated time management, organizational and multi-tasking skills
- Ability to follow instructions and complete required training
- Ability to work independently and/or as a team member

TIER ORTHOPEDIC ASSOCIATES, P.C.

100 PLAZA DRIVE
VESTAL, NY 13850-3641
(607)-798-9356

November 3, 2010

Law Office of Feyi Gaji
36 Oak St.
Binghamton, NY 13905

RE: Gabriele E Verrocchio
DOB: 05/05/1962

Dear Mr. Gaji:

You have asked for response as to the suitability of job descriptions for Gabe Verrocchio. You have included several job descriptions that Gabe could potentially do.

I have had the opportunity to review these job descriptions. I believe that Gabe could perform these activities had he had sufficient time to recuperate with reasonable accommodations given the nature of his injuries. Specifically enclosed in this packet was a manager, owner operator recruiting, supplemental field office, customer service representative, billing clerk - part time. To reiterate, I think given enough time, Gabe would be potentially capable of performing any of these jobs.

If I can be of any further assistance or you have any questions, please don't hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. T. Bennett".

Matthew T. Bennett, MD

/tf

LAW OFFICE OF FEYI GAJI

36 OAK STREET
BINGHAMTON, NEW YORK 13905

TEL: (607) 772-0803
FAX: (607) 723-4059

e-mail: feyigaji@aol.com

October 27, 2010

Dr. Angela Crawford
200 Front Street, Suite C
Vestal, New York 13850

RE: Gabriele Verrocchio v. Federal Express Corporation

Dear Dr. Crawford:

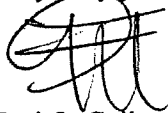
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Thank you for your cooperation and assistance.

Please contact me if you have any questions.

Very truly yours,



Feyi O. Gaji

FG/mm
Enclosures

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Qualifications:

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In addition, our preferred candidates will have:

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Supplemental Field Office

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Position Information:

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- Perform other duties as required

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Qualifications:

QUALIFICATIONS:

- High school diploma or equivalent
- Must be at least 16 years of age
- Able to count and perform basic math, with or without a calculator
- Basic written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Basic e-mail use and Microsoft Word and Excel skills preferred
- Demonstrated time management, organizational and multi-tasking skills
- Able to multi-task
- Able to follow instructions and complete required training
- Able to work alone or as a team member

WORKING CONDITIONS:

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Job ID: 31025

JobTitle: Supplemental Field Office

Customer Service Representative

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Customs House Broker (CHB): incumbent may be required to be available for off-site and overtime cargo clearing on an as-needed basis.

Ocean Transportation: when requested, will accompany managers/supervisors on customer calls.

The incumbent(s) of this position is expected to perform all other related duties as assigned.

High School diploma/equivalent. Proficient computer skills. Strong customer service, organizational and communication (written/oral) skills. Strong knowledge of U.S. Customs and Border Protection (CBP) regulations and other federal regulations and requirements with respect to specific area of expertise (CHB, Air Transportation, Ocean Transportation, Surface Transportation). CHB: proficient in H.T.S. Classification and familiarity with the Harmonized Tariff System. Air Transportation: Department of Commerce and Treasury regulations such as export licensing and schedule B Tariff Classifications. Banking requirements for International Trade. Regulations regarding dangerous goods shipping and foreign regulations. Ocean Transportation: BSA - ICC 400/500/322. Hazardous materials, Shipping Act of 1984, plant quarantine, USDA regulations, SGs and other independent surveyor and tariff requirements. Surface Transportation: regulations for Import/export; DOT. Basic math skills for conversions to metric and currency evaluations. One and a half (1-1/2) years of work/field experience preferred.

Job ID: 834310_07072010_PD

Billing Clerk - Part Time

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WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; deadline oriented
- Hours may vary due to operational need

Qualifications:

- Proficient Typing and Data Entry (10-key) skills
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11/01/2016 14:34

6077546926

STPMC

PAGE 01/01

Southern Tier

PAIN

Management

Center

Sanford E. Geller, Ph.D.

STPMC Founder

Work Injury Program

**Motor Vehicle Accident
(MVA) Recovery Program**

Marilyn I. Geller, Ph.D.

Program Director

Angela Crawford, Ph.D.

Psychology Services Director

Nathan Hare, Ph.D.

Neuropsychological Services Director

Todd Mansfield, PT, OCS

Physical Therapy Service Director

Dawn Cirlingione, PTA

Donna McCall, MS, OTR/L

Occupational Therapy Coordinator

Cognitive Rehabilitation Therapist

Douglas J. Taber, DC, DAAPM

Chiropractic Services Director

David E. Kammerman, M.D.

Independent Medical Consultant

200 Front Street

Vestal, NY 13850

Tel: 607-754-2313

Fax: 607-754-6926

November 1, 2010

Law Office of Feyi Gaji
36 Oak Street
Binghamton, New York 13905

RE: Gabriele Verrocchio
DOB: 5/5/62

Dear Mr. Gaji,

This letter is in response to your correspondence dated October 27, 2010, requesting my opinion on the suitability of various positions for Gabe Verrocchio had he been "allowed sufficient time to recuperate with reasonable accommodation given the nature of his injuries."

Please note that Mr. Verrocchio sustained physical injuries, as well as cognitive impairments and emotional adjustment difficulties as a result of his injury. As a licensed psychologist, I can only comment with respect to the emotional difficulties, as this was the focus of his treatment with me. He would need input from his other specialists regarding his physical abilities.

With regard to his emotional difficulties (depression, anxiety, frustration), it is likely that with appropriate, timely treatment of his injuries, he would most likely show improvements that would enable him to function appropriately from an emotional standpoint. The Billing Clerk position, Customer Service Representative and Supplemental Field Office seem to be positions he may have been suitable for with appropriate time to heal physically and emotionally.

Please let me know if you need further information.

Sincerely,

Angela L. Crawford, Ph.D.

Angela L. Crawford, Ph.D.
Licensed Psychologist

LAW OFFICE OF FEYI GAJI
36 OAK STREET
BINGHAMTON, NEW YORK 13905

TEL: (607) 772-0803
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e-mail: feyigaji@aol.com

October 27, 2010

Dr. David Kammerman
200 Front Street, Suite C
Vestal, New York 13850

RE: Gabriele Verrocchio v. Federal Express Corporation

Dear Dr. Kammerman:


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Thank you for your cooperation and assistance.

Please contact me if you have any questions.

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Feyi O. Gaji

FG/mm
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11/15/2010 MON 21:41 FAX 607 754 6130 center for pain relief

004/004



November 11, 2010

Feyl Gaji, Attorney
36 Oak Street
Binghamton, NY 13905

Re: VERROCCHIO, GABRIELE E.
DOB: 05/05/62

Dear Mr. Gaji:

I am responding to your request for a letter on behalf of the above-mentioned patient, the date of your letter being October 27, 2010. In it, you asked for my opinion on the suitability of any of the enclosed jobs for my patient.

The first job description was manager, owner, and operator recruiting; the second one was supplemental field office; the third one was customer service representative; and the last was billing clerk, part time.

I have reviewed the job requirements for these three positions as supplied to me. None of the jobs requires activities, which would be unable to be performed by Mr. Verrocchio. He is suffering from headache and chronic cervical pain as well as visual difficulties and referred pain into the left arm and shoulder consistent with radiculopathy. As such, it would be ill advised for him to do repetitive reaching activities with his upper limbs, heavy lifting, repetitive cervical flexion, extension, and rotational movements.

The job requirements as described to me would not require of these kinds of activities.

It is therefore my opinion that if Federal Express had allowed the patient sufficient time to recuperate and offered reasonable accommodation given the nature of his injuries, that he might have been able to return to work. His original injury occurred on December 23, 2006 and he was let go from his employer in September 2007.


Sincerely,

David Kammerman M.D.
Board Certified in Physical Medicine & Rehabilitation

Dictated by David Kammerman, MD
DK/dlg.DKE

200 Front Street, Vestal, NY 13850
phone 607•748•7468 fax 607•754•6130

LAW OFFICE OF FEYI GAJI
36 OAK STREET
BINGHAMTON, NEW YORK 13905

TEL: (607) 772-0803
FAX: (607) 723-4059

e-mail: feyigaji@aol.com

October 27, 2010

Dr. Gary J. Williams
293 Main Street
P. O. Box 297
Owego, New York 13827

RE: Gabriele Verrocchio v. Federal Express Corporation

Dear Dr. Williams:

As you know, this office represents Gabriele Verrocchio.

As previously discussed, I would like your opinion on the suitability of any of the enclosed jobs for Gabe Verrocchio if Federal Express had allowed him sufficient time to recuperate with reasonable accommodation given the nature of his injuries. We need to convey your opinion to FedEx within the next couple of weeks.

Thank you for your cooperation and assistance.

Please contact me if you have any questions.

Very truly yours,



Feyi O. Gaji

FG/mm
Enclosures

Mgr, Owner Operator Recruiting

Overview:

Manages, directs, and sets department goals to meet recruitment, retention, and forecast needs. Manages the individual performance of professional recruiting staff to regulate the flow of new trucks and increase Independent Contractor (driver) retention. Designs and implements market recruitment standards, guidelines, and strategies to meet specific segment requirements and improve FedEx Custom Critical's competitive position in the expedited industry.

Position Information:

The successful candidate in this role will:

- Lead a department of professional recruiting team members. Oversees the development and performance management of this staff, assessing strengths and opportunities. Creates action plans to assist in meeting the individual career development goals.

- Manage and create a department budget

- Design and implement market recruitment strategies using traditional marketing plan design and rollout practices. Allocate advertising dollars and negotiate charges. Determine the appropriate truck shows to attend and exhibit.

- Accountable for proper fleet size; ensure contractors meet department of transportation and safety guidelines for trucks, owner operators, and their drivers.

- Responsible for managing driver / contractor bonus and referral programs

- Gather and disseminate competitive intelligence.

Qualifications:

Requirements:

- Requires 5 years of experience in transportation, preferably in the driver recruiting and / or sales function.

- Requires 5 years of experience in effective leadership and management

In addition, our preferred candidates will have:

- Proven history of meeting and exceeding specific, measurable objectives

- Demonstrated ability to hold self and other accountable

- Strong ability to proactively collaborate and network with others, both internally and externally

- Strong ability to effectively manage several detailed processes

- Working knowledge of microsoft office, and ability to learn and leverage additional technologies

Supplemental Field Office

Overview:

This is a part-time position. Handle needs of customers, process documentation that accompanies the movement of freight and perform other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into current system(s)
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Track status of shipments as requested
- Verify and complete required documentation and reports
- Perform administrative functions, including, but not limited to filing, answering phones, imaging
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- May reconcile cash and checks collected and prepare deposits
- May perform overage, shortage and damage (OS&D) functions
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

Qualifications:

QUALIFICATIONS:

- High school diploma or equivalent
- Must be at least 18 years of age
- Able to count and perform basic math, with or without a calculator
- Basic written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Basic e-mail use and Microsoft Word and Excel skills preferred
- Demonstrated time management, organizational and multi-tasking skills
- Able to multi-task
- Able to follow instructions and complete required training
- Able to work alone or as a team member

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; dead-line oriented
- Some overtime/weekend work may be required; some shifts require evening/nighttime hours

Job ID: 31025

Job Title: Supplemental Field Office

Customer Service Representative

Description

Provide and ensure a high level of customer service by developing and maintaining a strong relationship with customers' front line personnel in the various operating divisions and subsidiaries.

Prepare, analyze, and/or submit documentation to the appropriate parties (U.S. Customs and Border Protection (CBP) agents, clients) in order to ensure they are in accordance with all applicable laws and regulations relating to CBP and transportation.

Anticipate, identify, and resolve problems which could delay the timely release or movement of freight.

Maintain relationships with correspondent brokers, Transport & Brokerage, and other service providers to ensure that agents exceed the customers' service requirements.

Resolve banking and letter of credit problems. Advise customers on payment terms.

Resolve billing issues and ensure that invoicing and vendor payments are billed accurately.

Complete accurate data input or corrections into computer files.

Obtain payment on delinquent accounts and/or complete accounting adjustment forms for review.

For Transportation Customer Service Representatives: develop rates and/or provide quotes for the movement of freight. Research and negotiate carrier rates.

Resolve billing issues, coordinate post entry activity on customer's behalf.

Air Transportation: Incumbent may be required to physically lift or transport freight.

Customs House Broker (CHB): Incumbent may be required to be available for off-site and overtime cargo clearing on an as-needed basis.

Ocean Transportation: when requested, will accompany managers/supervisors on customer calls.

The incumbent(s) of this position is expected to perform all other related duties as assigned.

High School diploma/equivalent. Proficient computer skills. Strong customer service, organizational and communication (written/oral) skills. Strong knowledge of U.S. Customs and Border Protection (CBP) regulations and other federal regulations and requirements with respect to specific area of expertise (CHB, Air Transportation, Ocean Transportation, Surface Transportation). CHB: proficient in H.T.S. Classification and familiarity with the Harmonized Tariff System. Air Transportation: Department of Commerce and Treasury regulations such as export licensing and schedule B Tariff Classifications. Banking requirements for International Trade. Regulations regarding dangerous goods shipping and foreign regulations. Ocean Transportation: BSA - ICC 400/500/322. Hazardous materials, Shipping Act of 1984, plant quarantine, USDA regulations, SGs and other independent surveyor and tariff requirements. Surface Transportation: regulations for import/export; DOT. Basic math skills for conversions to metric and currency evaluations. One and a half (1-1/2) years of work/field experience preferred.

Job ID: 834310_07072010_PD

Billing Clerk - Part Time

Overview:

This is a part-time position.

Responsible for processing the documentation that accompanies the movement of freight, including entering freight shipment information into computer system to generate freight bill and performing other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into computer system
- Verify and complete required documentation and reports.
- Perform administrative functions including but not limited to typing, filing, answering phones, faxing, etc.
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs and/or status and respond to billing questions
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- Reconcile cash and checks collected and prepare deposits, as required
- Administer freight pick-up process, as required
- Perform overage, shortage and damage (OS&D) functions, as required
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; deadline oriented
- Hours may vary due to operational need

Qualifications:

- Proficient Typing and Data Entry (10-key) skills
- Ability to count and perform basic math, with or without a calculator
- Above-average written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Experience and ability to use Microsoft Office Software, including but not limited to; Word, Excel, and Outlook, preferred
- Demonstrated time management, organizational and multi-tasking skills
- Ability to follow instructions and complete required training
- Ability to work independently and/or as a team member

DR. GARY J. WILLIAMS, FAAO, FCOVD
DR. RAYMOND J. MINT

OPTOMETRISTS

- LEARNING RELATED VISION PROBLEMS
- CONTACT LENSES
- VISION THERAPY

293 MAIN STREET
POST OFFICE BOX 297
OWEGO, NEW YORK 13827
TELEPHONE 607-687-3391
FAX 607-687-4226
EMAIL: SOLOWILLODPC@STNY.RR.COM

November 3, 2010

Feyi Gaji
36 Oak Street
Binghamton, NY 13905

COPY

Dear Mr. Gaji,

This letter is in response to your correspondence dated October 27, 2010, requesting my opinion on the suitability of various positions of employment for Mr. Gabriele Verrocchio if he had been "allowed sufficient time to recuperate with reasonable accommodation given the nature of his injuries."

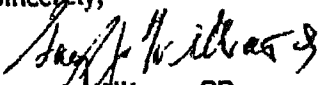
Vision Therapy was recommended for Mr. Verrocchio to rehabilitate his visual system and to re-integrate his ability to use visual information for daily tasks. The traumatic brain injury he sustained as a result of the accident impaired his ability to function in an everyday environment without neurological or physical adaptations such as, but not limited to special lenses, noise reduction, time restraints, ergonomically correct workspace, frequent physical breaks, and adequate recovery times.

Adaptation:	Reasons:
Polarized Light Reduction Lenses	Photophobia due to trauma to the occipital lobes
Noise Reduction (i.e. earplugs or headset)	Overstimulation of the auditory sensory system
Time Restraints (i.e. limited hours and no overtime)	Limited neurological and physical stamina
Ergonomically correct workspace	Reduced proprioceptive stimulation for visual, neurological, and physical stamina
Frequent physical breaks (i.e. time away from workstation)	Increase the amount of time to adequately sustain productivity

Mr. Verrocchio could be productive in a workplace environment given appropriate treatments, timely treatment of his injuries, and accommodations in the workplace. The jobs that were enclosed with your letter would be suitable with the consideration of above stated information.

If you have any concerns or questions, please contact our office.

Sincerely,


Gary J. Williams, OD
Xc: Gabriele Verrocchio
GJW/lma

Mgr, Owner Operator Recruiting

Overview:

Manages, directs, and sets department goals to meet recruitment, retention, and forecast needs. Manages the individual performance of professional recruiting staff to regulate the flow of new trucks and increase Independent Contractor (driver) retention. Designs and implements market recruitment standards, guidelines, and strategies to meet specific segment requirements and improve FedEx Custom Critical's competitive position in the expedited industry.

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The successful candidate in this role will:

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- Gather and disseminate competitive intelligence.

Qualifications:

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- Requires 5 years of experience in effective leadership and management

In addition, our preferred candidates will have:

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- Basic e-mail use and Microsoft Word and Excel skills preferred
- Demonstrated time management, organizational and multi-tasking skills
- Able to multi-task
- Able to follow instructions and complete required training
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Job ID: 31025

JobTitle: Supplemental Field Office

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Ocean Transportation: when requested, will accompany managers/supervisors on customer calls.

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- Hours may vary due to operational need

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- Above-average written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
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- Demonstrated time management, organizational and multi-tasking skills
- Ability to follow instructions and complete required training
- Ability to work independently and/or as a team member

2006

New York State Department of Taxation and Finance

Summary of Federal Form W-2 Statements**IT-2**

New York State • New York City • Yonkers

Do not detach or separate the W-2 Records below. File Form IT-2 as an entire page. See instructions.

Do not attach your federal Form(s) W-2. Keep them for your records.

Taxpayer's first name and middle initial GABRIELE		Taxpayer's last name VERROCCHIO		▼ Your social security number	
Spouse's first name and middle initial CARRIE		Spouse's last name VERROCCHIO		▼ Spouse's social security number	
W-2 Record 1					
Box c Employer's name and full address (including ZIP code) CHIANIS & ANDERSON 84 COURT ST 7 TH FLOOR BINGHAMTON NY 13901					
Box b Employer identification number (EIN) 01-0558884	Box 12a Amount	▼ Code	Box 15 State NY	Box 16 State wages, tips, etc. (for NYS) 33,446.	
This W-2 record is for (mark an X in one box): Taxpayer Spouse X	Box 12b Amount	▼ Code		Box 17 New York State income tax withheld 1,236.	
Box 1 Wages, tips, other compensation 33,446.	Box 12c Amount	▼ Code	Locality a	Box 18 Local wages, tips, etc.	
Box 8 Allocated tips	Box 12d Amount	▼ Code	Locality b	Box 19 Local income tax withheld	
Box 9 Advance EIC payment	Box 13 Statutory employee	▼ Description	Locality a	Box 20 Locality name	
Box 10 Dependent care benefits	Box 14 a Amount	▼ Description	Locality b		
Box 11 Nonqualified plans	Box 14 b Amount	▼ Description			
	Box 14 c Amount	▼ Description			Corrected (W-2c)

Do not detach. W-2 Record 2		Box c Employer's name and full address (including ZIP code) FEDEX EXPRESS 2007 CORPORATE AVE 5TH FLOOR PAYROLL MEMPHIS TN 38132			
Box b Employer identification number (EIN) 71-0427007	Box 12a Amount	▼ Code	Box 15 State NY	Box 16 State wages, tips, etc. (for NYS) 50,664.	
This W-2 record is for (mark an X in one box): Taxpayer X Spouse	Box 12b Amount	▼ Code		Box 17 New York State income tax withheld 2,527.	
Box 1 Wages, tips, other compensation 50,664.	Box 12c Amount	▼ Code	Locality a	Box 18 Local wages, tips, etc.	
Box 8 Allocated tips	Box 12d Amount	▼ Code	Locality b	Box 19 Local income tax withheld	
Box 9 Advance EIC payment	Box 13 Statutory employee	▼ Description	Locality a	Box 20 Locality name	
Box 10 Dependent care benefits	Box 14 a Amount	▼ Description	Locality b		
Box 11 Nonqualified plans	Box 14 b Amount	▼ Description			
	Box 14 c Amount	▼ Description			Corrected (W-2c)

Please file this original scannable form with the Tax Department. If you or your paid preparer use software to produce this form, it might have a two-dimensional (2-D) barcode on the bottom of this page. It will appear as a rectangular-shaped object with very small black boxes and white spaces. This barcode will be used to efficiently process your entries on this form.

1021061015



Sep. 3. 2010 8:38AM

No. 1805 P. 1

Winship & Associates
40 Gardenville Parkway, Suite 200
West Seneca, New York 14224

Alan C. Winship
Rheannon K. Yuscinsky

August 30, 2010

Feyi O. Gaji
Attorney At Law
36 Oak Street
Binghamton, New York 13905

Dear Mr. Gaji:

I have not published any materials within the past 10 years.

In the last 4 years I have provided testimony in the following cases:

9/19/06 Bonds
New York State Supreme Court, Erie County
10/05/06 Bobek
Beaver County, Pennsylvania
12/11/07 Campopiano
New York State Supreme Court, Monroe County
1/16/08 Wood
New York State Supreme Court, Monroe County
1/30/08 Wittmer
New York State Supreme Court, Erie County
2/21/08 Packard
New York State Supreme Court, Erie County
4/15/08 Stiglmier
New York State Supreme Court, Erie County
4/25/08 Keels
New York State Supreme Court, Erie County
8/05/08 Raskin-Weber, Jillian
Court of Claims

Alan Winship, Mental Health Counseling, P.C.
Phone 716 668-3710 Fax 716 656-0788

sep. 3. 2010 8:38AM

No. 1805 P. 2

Winship Testimony

Page 2

August 30, 2010

9/15/08 Meiler
New York State Supreme Court, Erie County
10/28/08 Springs, Jr., Arthur
New York State Supreme Court, Erie County
1/12/09 Guerin, Kevin
New York State Supreme Court, Erie County
3/25/09 Roosa, Daniel
New York State Supreme Court, Wayne County
6/12/09 Wells, Jeffrey
New York State Supreme Court, Monroe County
12/10/09 Armagost, Fred
New York State Supreme Court, Niagara County
1/20/10 Farrow, Erika
New York State Supreme Court, Niagara County
5/05/10 McCarthy, Shawn
New York State Supreme Court, Erie County
5/19/10 Martinez, Daniel
New York State Supreme Court, Erie County
6/28/10 Staub, Paul
New York State Supreme Court, Niagara County

My professional rate is \$370 per hour (through Expert Resources Inc.).
Testimony is provided at a rate of \$2,700 per half day plus travel and
expenses (through Expert Resources Inc.). Please advise if you will need
additional information.

Sincerely,



Alan C. Winship, MS Ed, CRC, D-ABVE, CLCP
Licensed Mental Health Counselor
Fellow-American Academy of Pain Management

Verrocchio, Gabriele E.
Page 11
August 30, 2010

TRANSFERABLE SKILLS

The job duties performed by a route delivery driver DOT # 292.353-010 are considered to be semiskilled. Skills/competencies that one would develop in this occupation involve the ability to:

- Drive truck to deliver such items to customer's home or place of business.
- Record transactions on customer receipt.
- Write customer order and instructions.
- Record deliveries information on delivery record.
- Inform regular customers of new products or services.
- Listen to and resolve service complaints.
- May load truck.
- May issue or obtain customer signature on receipt for pickup or delivery.
- May clean inside of truck.
- May perform routine maintenance on truck.

The job duties performed by a route delivery driver fall within the medium strength classification. (Exert force of 20-50 lbs. occasionally, 10-25 lbs. frequently, or up to 10 lbs. constantly.)

OTHER PHYSICAL DEMANDS (that may be encountered):

CL - Climbing - Not Present
BA - Balancing - Not Present
ST - Stooping - Occasional
KN - Kneeling - Not Present
CR - Crouching - Not Present
CW - Crawling - Not Present
RE - Reaching - Frequent
HA - Handling - Frequent
FI - Fingering - Occasional
FE - Feeling - Not Present
TA - Talking - Frequent
HE - Hearing - Frequent
TS - Tasting/Smelling - Not Present

VISION:

NE - Near Acuity - Occasional
FA - Far Acuity - Frequent
DE - Depth Perception - Frequent
AC - Accommodation - Occasional